

Remarks

Claims 30 - 38, 40 - 54, and 56 – 63 presently stand rejected. Claims 30, 31, 34, 44, 46, 52, 53, and 58 are amended herein. Claims 41, 42, 49, 50, and 60 are cancelled herein. Thus, with this filing, claims 30 - 38, 40, 43 – 48, 51 - 54, 56 - 59, and 61 - 63 remain pending. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Examiner Interview

A telephonic interview was held on February 16, 2010 between the Examiner and Applicants' Representative. Proposed amendments to the claims were discussed, however, no agreement was reached with respect to the claims.

Claim Rejections – 35 U.S.C. § 103

Claims 30 - 38, 40 - 54, and 56 – 63 were rejected under § 103(a) over various combinations of U.S. Patent No. 5, 729, 281 to Utsumi et al. (“Utsumi”), U.S. Publication No. 2002/0007490 to Jeffery, U.S. Patent No. 6,848,116 to Land (“Land”), U.S. Publication No. 2002/0091866 to Perlman (“Perlman”), U.S. Patent No. 6,188,871 to Kitamura et al. (“Kitamura”), U.S. Patent No. 5,699,105 to Chen et al. (“Chen”), U.S. Patent Application Publication No. 2002/0073431 to Nikolich, U.S. Patent Application Publication No. 2002/0019984 to Rakib et al. (“Rakib”), and U.S. Patent No. 5,600,364 to Hendricks et al. (“Hendricks”).

In particular, claims 30 – 38, 41 - 54 and 57 were rejected over Utsumi in view of Jeffery in view of Land, further in view of Perlman. Claim 40 was rejected over Utsumi in view of Jeffery in view of Land, further in view of Perlman, as applied to claim 30, and further in view of Kitamura. Claim 46 was rejected over Utsumi in view of Jeffery, and further in view of Land, and further in view of Perlman, as applied to claim 53, and further in view of Kitamura. Claim 58 was rejected over Jeffery in view of Rakib, further in view of Land. Claims 59 and 60 were rejected over Jeffery, in view of Rakib further in view of Land, as applied to claim 58, further in view of Nikolich. Claims 61 and 63 were rejected over Jeffery in view of Rakib further in view of Land further in view of Hendricks. Finally,

claim 62 was rejected over Jeffery in view of Rakib further in view of Land further in view of Chen. Claims 41, 42, 49, 50, and 60 are cancelled herein, thus rendering the rejections of claims 41, 42, 49, 50, and 60 moot. Without any admissions that the rejections are proper, the rejections of claims 30 - 38, 40, 43 – 48, 51 -54, 56- 59, and 61 - 63 are respectfully traversed.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 30 now recites in pertinent part, “converting to a predetermined frequency, by one of a plurality of *programmable frequency converters* in the local service module, the one of the plurality of video channels corresponding to the channel selection request;” Note that the “*programmable frequency converter*” feature was previously included in now-cancelled claims 41 and 42, thus no new search is required. Applicants note that in rejecting previous claim 41 on page 6 of the Office Action, the Examiner has cited “Modulating portion 131” of Utsumi as corresponding to the previously claimed programmable converter. Applicants respectfully disagree. Applicants refer the Examiner to paragraph [0035] of the Applicants’ published Specification for an example of the differences between demodulators/modulators and a programmable converter, specifically, programmable frequency converter, as claimed. Note that there is no demodulating and re-modulating of the signal, simply a frequency conversion of the signal. Thus, among other advantages, the frequency conversion approach can maintain the spectral purity of the signal so as to allow stereo sound to pass through where possible.

Accordingly, Applicants respectfully submit that Utsumi fails to teach or suggest at least “converting to a predetermined frequency, by one of a plurality of programmable frequency converters in the local service module, the one of the plurality of video channels corresponding to the channel selection request.”

Nor do the other references teach or suggest at least “converting to a predetermined frequency, by one of a plurality of programmable frequency converters in the local service module, the one of the plurality of video channels corresponding to the channel selection

request." Consequently, the combination of the references fail to teach or suggest all elements of claim 30 as required under M.P.E.P. § 2143.03.

Accordingly, Applicants respectfully request that the instant §103(a) rejection of claim 30 be withdrawn. Independent claims 46, 53, and 58 include at least one or more similar or same nonobvious elements as independent claim 30. Accordingly, Applicants request that the instant §103(a) rejections of claims 46, 53, and 58 be withdrawn.

Dependent claims 31 – 38, 40, 43 - 45, 47, 48, 51, 52, 54, 56 – 57, 59, and 61 - 63 depend directly or indirectly from claims 30, 43, 53, or 58 and are patentable over the references for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 31 – 38, 40, 43 - 45, 47, 48, 51, 52, 54, 56 – 57, 59, and 61 - 63 be withdrawn.

Conclusion

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1561. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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